

Application No.: 09/784,889
Amendment Dated: August 10, 2005
Reply to Office Action of: February 10, 2005

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Amendments to the Drawings:

The attached three sheets of drawings include changes to Figures 4, 5, and 6. These sheets replace the original sheets including changes to Figures 4, 5, and 6.

In Figure 4, reference numerals 72-108 have been added.

In Figure 5, reference numerals 110-134 have been added.

In Figure 6, reference numerals 140-154 have been added.

Attachment: Replacement Sheets (3)

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Remarks/Arguments:

Claims 1-65 are pending. Claims 1-65 have been rejected. Claims 2, 6, 11, 12, 16-18, 29, 30, 32, 36, 37, 41, 53-55 and 62 have been amended to correct the syntax of the claims. No new matter has been added. Reconsideration is respectfully requested in view of the amendments and the remarks below.

Oath/Declaration

The Examiner objected to the previously-filed declaration because it did not identify the citizenship of each inventor. A declaration identifying the citizenship of each inventor has been prepared and the inventors are being located to obtain their signatures. It is expected that the newly executed declaration will be filed with a supplemental response to the pending Office Action in about two weeks.

Drawings

The Examiner objected to the drawings because item 26 in Fig. 1 was the description allegedly does not mention item 26 shown in Figure 1. The specification has been amended in paragraph [0026] to describe the modem 26 as shown in Figure 1. No new matter has been added.

The Examiner objected to the drawings because they do not include reference characters 72-108, 110-134 and 140-154 that are mentioned in the description. Figures 4-6 have been amended to show the reference characters 72-108, 110-134 and 140-154 that are mentioned in the description. In addition, paragraph 51 has been amended to correct a typographical error regarding reference character 95 shown in amended Figure 4. No new matter has been added.

Accordingly, in view of the amendments to the drawings and to the description, Applicants respectfully request that the objections to the drawings be withdrawn.

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Rejections Under 35 U.S.C. § 112

Claims 2-7, 11-13, 16-18, 29-32, 36-38, 41, 53, 55, and 62 were rejected under 35 U.S.C. § 112 as allegedly being indefinite for lacking or having vague antecedent basis.

Regarding the term "the identified diagnosis," claims 2, 11, 17, 29, 30, 32, 36, 41 and 62, as amended, do not lack or have vague antecedent basis. Claims 4 and 7 depend from claim 2 which provides antecedent basis for the term "the identified diagnosis." Claim 13 depends from claim 11 which provides antecedent basis for the term "the identified diagnosis." Claim 38 depends from claim 36 which provides antecedent basis for the term "the identified diagnosis."

Claims 3, 5, 6, 12, 18, 31 and 37 were rejected as allegedly incorporating the deficiencies of claims from which they depend. Their corresponding dependent claims, as amended, do not include antecedent basis deficiencies.

Regarding the term "the client," claims 6, 12, 16, 18, 37, 53 and 55, as amended, do not lack or have vague antecedent basis.

Accordingly, in view of the amendments to the claims and the remarks above, Applicants respectfully request that the rejections of claims 2, 6, 11, 12, 16-18, 29, 30, 32, 36, 37, 41, 53-55 and 62 be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-65 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. US-2001/0051880 A1 to Schurenberg et al. (hereinafter, "Schurenberg").

Claim 1

Claim 1 includes a feature neither disclosed nor suggested by Schurenberg, namely:

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a step for transmitting to the client computer information for generating a test requisition and a label for use with the biological specimen (emphasis added)

The Examiner alleges that this feature is disclosed in paragraph 4, lines 12-16 and in paragraph 55 of Schurenberg. Schurenberg does not disclose transmitting information to the client computer for generating a label.

Further, Schurenberg teaches away from such information being transmitted to the client computer because Schurenberg teaches that labels are printed before requisition information is transmitted. In particular, paragraph 55, lines 5-8 of Schurenberg describe that "[a]t the time the requisition information is entered in step 202, the system preferably prints labels" with reference to Fig. 5. In paragraph 52 and as illustrated in Fig. 5, requisition information is received in step 202, before requisition information is transmitted in step 204. Therefore, the system Schurenberg could not transmit information to the client computer for generating a label because the system of Schurenberg prints labels (in step 202) before requisition information input by a user is transmitted (in step 204). In other words, information for printing a label could not be transmitted before the requisition information is transmitted.

In view of the remarks above, Applicant respectfully requests therefore that the rejection of claim 1 under 35 U.S.C. Section 102(e) be withdrawn. Claims 2-9 depend (directly or indirectly) from claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1. Accordingly, Applicant respectfully requests therefore that the rejection of claims 2-9 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 10

Claim 10 includes a feature neither disclosed nor suggested by Schurenberg, namely:

a step for receiving from the central computer information for generating a test requisition and a label for use with the biological specimen

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The Examiner alleges that this feature is disclosed in paragraphs 55 and 507 of Schurenberg. Schurenberg does not disclose receiving information from a central computer for generating a label. As discussed above with regard to claim 1, Schurenberg teaches away from receiving information for generating a label from a central computer. In particular, the label is printed in step 202 before the requisition information is transmitted. Therefore, before the requisition information is transmitted, a central computer would not know of the requisition and therefore could not transmit information for printing a label.

In view of the remarks above, Applicant respectfully requests therefore that the rejection of claim 10 under 35 U.S.C. Section 102(e) be withdrawn. Claims 11-19 depend (directly or indirectly) from claim 10 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 10. Accordingly, Applicant respectfully requests therefore that the rejection of claims 11-19 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 20

Claim 20 includes a feature neither disclosed nor suggested by Schurenberg, namely:

a step for receiving at the central computer a request from the client computer for laboratory test results and an identification of a patient or group of patients;

The Examiner alleges that this feature is disclosed in paragraphs 20 and 30 of Schurenberg and alleges that "specifying the desired lab tests" is a form of "request." The full quotation from paragraph 20 of Schurenberg states that "[t]he user may also enter a list of test codes specifying the desired lab tests to perform on the patient specimen(s)." (emphasis added).

In contrast, claim 20 includes the feature of requesting test results. This is different than the disclosure of paragraph 20 of Schurenberg where a user specifies a test to be performed.

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In view of the remarks above, Applicant respectfully requests therefore that the rejection of claim 20 under 35 U.S.C. Section 102(e) be withdrawn. Claims 21-22 depend from claim 20 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 20. Accordingly, Applicant respectfully requests therefore that the rejection of claims 21-22 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 23

Claim 23 includes a feature neither disclosed nor suggested by Schurenberg, namely:

a step for transmitting to the central computer a request from the client computer for laboratory test results and an identification of a patient or group of patients;

The Examiner alleges that this feature is disclosed in paragraphs 20 and 30 of Schurenberg. As discussed above regarding claim 20, Schurenberg does not disclose the claimed feature of a request for test results.

In view of the remarks above and the remarks regarding claim 20, Applicant respectfully requests therefore that the rejection of claim 23 under 35 U.S.C. Section 102(e) be withdrawn. Claims 24-25 depend from claim 23 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claims 20 and 23. Accordingly, Applicant respectfully requests therefore that the rejection of claims 24-25 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 26

Claim 26 includes a feature neither disclosed nor suggested by Schurenberg, namely:

transmitting information ... from the central computer to the client computer ... for generating a test requisition and a label

The Examiner alleges that this feature is disclosed in paragraph 4, lines 12-16 and in paragraph 55 of Schurenberg. As described above with regard to claim 1, Schurenberg does not disclose transmitting information to the client computer for generating a label. Further, as described above regarding claim 1, Schurenberg teaches away from such

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information being transmitted to the client computer because Schurenberg teaches that labels are printed before requisition information is transmitted.

In view of the remarks above and the remarks regarding claim 1, Applicant respectfully requests therefore that the rejection of claim 26 under 35 U.S.C. Section 102(e) be withdrawn. Claims 27-34 depend (directly or indirectly) from claim 26 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 26. Accordingly, Applicant respectfully requests therefore that the rejection of claims 27-34 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 35

Claim 35 includes a feature neither disclosed nor suggested by Schurenberg, namely:

receiving information ... from the central computer ... for generating a test requisition and a label

The Examiner alleges that this feature is disclosed in paragraphs 55 and 507 of Schurenberg. As described above with regard to claim 10, Schurenberg does not disclose receiving information from a central computer for generating a label. Therefore, before the requisition information is transmitted, a central computer would not know of the requisition and therefore could not transmit information for printing a label.

In view of the remarks directly above and the remarks above regarding claim 10, Applicant respectfully requests therefore that the rejection of claim 35 under 35 U.S.C. Section 102(e) be withdrawn. Claims 36-42 depend (directly or indirectly) from claim 35 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 35. Accordingly, Applicant respectfully requests therefore that the rejection of claims 36-42 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 43

Claim 43 includes a feature neither disclosed nor suggested by Schurenberg, namely:

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receiving at the central computer ... a request from the client computer for laboratory test results and an identification of a patient or group of patients;

The Examiner alleges that this feature is disclosed in paragraph 20 of Schurenberg. As discussed above with regard to claim 20, paragraph 20 of Schurenberg states that "[t]he user may also enter a list of test codes specifying the desired lab tests to perform on the patient specimen(s)." (emphasis added).

In contrast, claim 43 includes the feature of requesting test results. This is different than the disclosure of paragraph 20 of Schurenberg where a user specifies a test to be performed.

In view of the remarks directly above and remarks above regarding claim 20, Applicant respectfully requests therefore that the rejection of claim 43 under 35 U.S.C. Section 102(e) be withdrawn. Claims 44-45 depend from claim 43 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 43. Accordingly, Applicant respectfully requests therefore that the rejection of claims 44-45 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 46

The Examiner alleged that claim 46 includes the same limitations of claim 23 and was rejected for the same reasons as claim 23. Claim 46 includes a feature neither disclosed nor suggested by Schurenberg, namely:

transmitting to the central computer from the client computer ... a request for laboratory test results

As discussed above regarding claim 23, Schurenberg relates to user entry of a list of test codes specifying the desired lab tests to perform which is different than the claimed feature of a request for test results. Claim 46 is not anticipated by Schurenberg at least for the reasons described above regarding claim 23.

In view of the remarks above regarding claim 23, Applicant respectfully requests therefore that the rejection of claim 46 under 35 U.S.C. Section 102(e) be withdrawn. Claims 47-48 depend from claim 46 and, thus, are likewise not subject to rejection for at

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least the reasons set forth above with respect to claim 23. Accordingly, Applicant respectfully requests therefore that the rejection of claims 47-48 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 49

Claim 49 includes a feature neither disclosed nor suggested by Schurenberg, namely:

means for transmitting information from the central computer to the client computer ... for generating a test requisition and a label

As discussed above with regard to claim 1, Schurenberg does not disclose and teaches away from transmitting information to the client computer for generating a label.

In view of the remarks directly above and the remarks above regarding claim 1, Applicant respectfully requests therefore that the rejection of claim 49 under 35 U.S.C. Section 102(e) be withdrawn. Claim 50 depends from claim 49 and, thus, is likewise not subject to rejection for at least the reasons set forth above with respect to claim 49. Accordingly, Applicant respectfully requests therefore that the rejection of claim 50 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 51

Claim 51 includes a feature neither disclosed nor suggested by Schurenberg, namely:

means, at the at least one client computer for receiving information from the central computer ... for generating a test requisition and a label

As discussed above regarding claim 10, Schurenberg does not disclose receiving information from a central computer for generating a label. In view of the remarks directly above and the remarks above regarding claim 10, Applicant respectfully requests therefore that the rejection of claim 51 under 35 U.S.C. Section 102(e) be withdrawn. Claims 52-55 depend (directly or indirectly) from claim 51 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 51. Accordingly, Applicant

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respectfully requests therefore that the rejection of claims 52-55 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 56

Claim 56 includes a feature neither disclosed nor suggested by Schurenberg, namely:

means for receiving a request from the client computer for laboratory test results

The Examiner alleges that this feature is disclosed in paragraphs 20 and 30 of Schurenberg. As discussed above regarding claim 20, Schurenberg does not disclose the feature of requesting test results.

In view of the remarks directly above and the remarks above regarding claim 20, Applicant respectfully requests therefore that the rejection of claim 56 under 35 U.S.C. Section 102(e) be withdrawn. Claim 57 depends from claim 56 and, thus, is likewise not subject to rejection for at least the reasons set forth above with respect to claim 56. Accordingly, Applicant respectfully requests therefore that the rejection of claim 57 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 58

Claim 58 includes a feature neither disclosed nor suggested by Schurenberg, namely:

a step for transmitting to the central computer a request from the client computer for laboratory test results

The Examiner alleges that this feature is disclosed in paragraphs 20 and 30 of Schurenberg. As discussed above regarding claim 23, Schurenberg relates to user entry of a list of test codes specifying the desired lab tests to perform which is different than the claimed feature of a request for test results.

In view of the remarks directly above and the remarks regarding claim 23, Applicant respectfully requests therefore that the rejection of claim 58 under 35 U.S.C.

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Section 102(e) be withdrawn. Claim 59 depends from claim 58 and, thus, is likewise not subject to rejection for at least the reasons set forth above with respect to claim 58. Accordingly, Applicant respectfully requests therefore that the rejection of claim 59 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 60

Claim 60 includes a feature neither disclosed nor suggested by Schurenberg, namely:

transmitting information through the network to the at least one client computer ... for generating a test requisition and a label

As discussed above with regard to claim 1, Schurenberg does not disclose and teaches away from transmitting information to the client computer for generating a label.

In view of the remarks directly above and the remarks above regarding claim 1, Applicant respectfully requests therefore that the rejection of claim 60 under 35 U.S.C. Section 102(e) be withdrawn. Claims 61 and 62 depend (directly or indirectly) from claim 60 and, thus, is likewise not subject to rejection for at least the reasons set forth above with respect to claim 60. Accordingly, Applicant respectfully requests therefore that the rejection of claims 61 and 62 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 63

Claim 63 includes a feature neither disclosed nor suggested by Schurenberg, namely:

receiving information through the network from the central computer ... for generating a test requisition and a label

As discussed above regarding claim 10, Schurenberg does not disclose receiving information from a central computer for generating a label. In view of the remarks directly above and the remarks above regarding claim 10, Applicant respectfully requests therefore that the rejection of claim 63 under 35 U.S.C. Section 102(e) be withdrawn.

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Claim 64

Claim 64 includes a feature neither disclosed nor suggested by Schurenberg, namely:

receiving, via the network, a request from the client computer for the laboratory test results

As discussed above regarding claim 20, Schurenberg does not disclose the feature of requesting test results. In view of the remarks directly above and the remarks above regarding claim 20, Applicant respectfully requests therefore that the rejection of claim 64 under 35 U.S.C. Section 102(e) be withdrawn.

Claim 65

Claim 65 includes a feature neither disclosed nor suggested by Schurenberg, namely:

transmitting, to the central computer through the network, a request for the laboratory test results

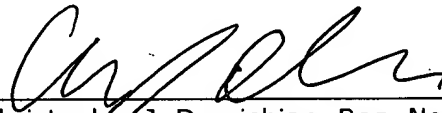
As discussed above regarding claim 23, Schurenberg relates to user entry of a list of test codes specifying the desired lab tests to perform which is different than the claimed feature of a request for test results. In view of the remarks directly above and the remarks regarding claim 23, Applicant respectfully requests therefore that the rejection of claim 65 under 35 U.S.C. Section 102(e) be withdrawn.

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In view of the amendments and remarks set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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CJD/pb/ap

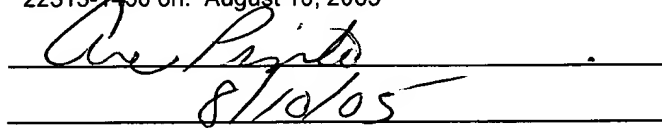
Attachments: Figures 4, 5, 6 (3 sheets)

Dated: August 10, 2005

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